



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAR 28 2019

The Honorable Richard G. Sneed
Principal Chief
Eastern Band of Cherokee Indians
P.O. Box 455
Cherokee, North Carolina 28719

Dear Chief Sneed:

The United States Environmental Protection Agency has completed its review of the Eastern Band of Cherokee Indians (EBCI) Administrative Regulations Title 15 - Subchapter 2B, *Surface Water and Wetlands Standards* (WQS) that you provided to Mr. Onis "Trey" Glenn, III, Region 4 Administrator on November 8, 2018 for formal review pursuant to Section 303(c) of the Clean Water Act (CWA). By letter, Mr. Michael McConnell, Attorney General, certified that the tribal regulations have been properly promulgated in accordance with the laws of the Eastern Band of Cherokee Indians. These regulations became effective on December 6, 2018.

The EPA's decision on these revisions is detailed in the enclosed document, *Decision Document of the United States Environmental Protection Agency Determination Under Section 303(c) of the Clean Water Act Review of The Eastern Band of Cherokee Indians' Water Quality Standards Administrative Regulations*. As outlined in the enclosed decision document, the EPA is approving all provisions in 15 CAR 2B, which are considered new water quality standards, with the exception of the provisions where the review has not been completed. The EPA has not completed review of the specific conductance and dissolved solids criteria that protect the ceremonial, recreation, cold water aquatic habitat, and warm water aquatic habitat designated uses as well as the threshold odor and radioactive substance criteria that protect the public water supply designated use. Additional information has been requested from the Tribe. Once the analysis of the additional information is completed, the EPA will provide the conclusions of its review by separate cover.

In addition to the EPA review pursuant to Section 303(c) of the CWA, Section 7(a)(2) of the Endangered Species Act requires federal agencies, in consultation with the U.S. Fish and Wildlife Service (FWS), to ensure that their actions are not likely to jeopardize the continued existence of federally listed species or result in the destruction or adverse modification of designed critical habitat of such species. The EPA Region 4 transmitted the Biological Evaluation (BE) to the Ashville, North Carolina FWS Field office on October 12, 2018. The EPA received concurrence from this office on October 19, 2018. A copy of the EPA's October 12, 2018 letter with the BE and FWS's concurrence is enclosed.

We would like to commend you and your staff on the adoption of the initial EBCI WQS to protect the Tribe's waters. The development and adoption of the WQS was a multi-year effort that required major tribal resources and staff dedication. We would like to acknowledge the expertise and hard work of Mr. Michael Bolt and his staff that was shown during the development of the WQS. We recognize that adoption of WQS is the first step in developing the Tribe's WQS program and that issues and questions may arise during the implementation of the WQS. If we can be of assistance or have questions about this action, please do not hesitate to call me at (404) 562-9345 or have a member of your staff contact Ms. Eve Zimmerman at (404) 562-9259 or Zimmerman.Eve@epa.gov. We look forward to working with you on the development of your program.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeaneanne M. Gettle".

Jeaneanne M. Gettle, Director
Water Protection Division

Enclosure

cc: Mr. Michael LaVoie, EBCI

Mr. Michael Bolt, EBCI